

IN UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

VANESSA BANDRICH,

Defendant.

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12 Cr. 934 (RA)

The Hon. Ronnie Abrams

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**PROPOSED VOIR DIRE QUESTIONS**

COMES NOW the defendant, Vanessa Bandrich, by and through counsel, and requests the Court pursuant to Fed. R. Crim. P. 24 to ask the prospective jurors the following questions and to permit follow-up questions and/or individualized questioning where appropriate:<sup>1</sup>

1. Some people would say that an employer is responsible for everything that an employee does. Others would say that an employer never should be held responsible for the actions of an employee. Where do you fall on this spectrum?

2. Do you feel that a lawyer should always be held responsible for the actions of employees in the law firm? Why?

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<sup>1</sup> Ms. Bandrich joins in the voir dire requests submitted by the co-defendants and also requests the opportunity to ask questions directly to the jury panel as proposed by Ms. Yang. Ms. Bandrich also adopts Ms. Yang's proposed verdict form for the Court's consideration.

3. Do you feel that a lawyer always should be held responsible for the actions of other lawyers in the same law firm? Why?

4. Do you think that one lawyer could take advantage of another lawyer? Why?

5. Do you think that a lawyer could never be taken advantage of? Why?

6. How do you feel about immigration reform?

7. How do you feel about China?

8. How do you feel about people from China who move to the United States?

9. Do you believe that people in China are never persecuted by the Chinese government?

Please explain.

10. Do you believe that the Chinese government has never forced women to have abortions against their will? Please explain.

11. How do you feel about a government that forces women to have abortions?

12. Do you believe that the Chinese government has never persecuted Christians within China?

13. How do you feel about the persecution of Christians?

14. Have you or anyone you know gone through the immigration process within the United States? Please explain.

15. How do you feel about how the immigration process within the United States?

16. How did you or your family first arrive in the United States?

17. Have you or anyone you know ever applied for asylum within the United States?

If so, please explain.

18. Have you read, seen, or heard anything in the media about this case? *If yes, please permit follow-up questioning in camera.*

19. Have you read, seen, or heard anything in the media about investigations or prosecutions of immigration lawyers? *If yes, please permit follow-up questioning in camera.*

20. How do you feel about lawyers?

21. Have you ever been represented by a lawyer?

22. Have you ever been assisted by a lawyer to help draft a declaration, affidavit, complaint, or statement to be used in a personal injury case, an employment discrimination case, a contract dispute, or any other type of case?

23. Lawyers have an ethical obligation to help their clients present a persuasive case. How do you feel about that?

24. Many times a client may not be articulate or able to express themselves very well and a lawyer will have to work with the client to help the client learn to be able to express themselves in a way more understandable to others. How do you feel about that?

25. Lawyers have an ethical obligation to help their clients present a persuasive case, even if the lawyer doesn't agree with the client's views. How do you feel about that?

26. Immigration lawyers have an ethical obligation to help prepare a client to testify before an immigration judge or official. How do you feel about that?

27. Under the ethical rules that all lawyers must follow, a lawyer may think or even believe that a client is lying but, unless the lawyer actually knows that the client is lying, the lawyer is ethically obligated to help that client present his or her own version of the truth no matter the opinion of the lawyer. How do you feel about that?

28. Ms. Bandrich is charged with conspiring to commit immigration fraud. Do you have any reason to believe you may not be a fair juror in this case?

29. Have you ever been involved - as defendant, victim or any other way -- in a case involving fraud?

30. Do any of you have a relative, close friend, or associate who has ever been involved - as a defendant, victim, investigator, or in any other way - in a case involving fraud? Have any of you had any personal experience with fraud that would make it difficult for you to be impartial?

31. Is there anything in your experience or in your beliefs that would make it difficult for you to judge people charged with conspiracy to commit immigration fraud?

32. Do you think could not serve fairly and impartially in a case involving immigration fraud charges?

33. Do you have any personal experiences or feelings arising from the nature of the charges that might interfere with your ability to serve in a case of this nature?

34. Do you have any problem with hearing or vision or any other problem or hardship that would prevent you from giving full attention to all of the evidence of this trial?

35. Are you taking any medication or receiving any medical treatment that would make it difficult for you to give full attention to the evidence at this trial?

36. Do you have any difficulty reading or understanding English?

37. Do you speak or otherwise understand Mandarin or any other language spoken in China?

38. The Court and the parties estimate this case will last approximately two to three weeks, although one can never be precise as to how long a trial will take. The Court recognizes that jury service places a burden on those jurors called to serve. Nonetheless, the right to a jury trial is an important constitutional right that requires the Court to call upon citizens such as

yourselves to make some personal sacrifice. Bearing in mind the importance of a trial by jury, and that mere inconvenience or the usual financial hardships of jury service will be insufficient to excuse a prospective juror, do you have reasons why you feel that jury service for such a period of time would pose a particularly severe burden requiring that you be excused from consideration?

39. Do you or does any relative or close friend of yours know or have any connection with any of the following persons representing or assisting the Government in this case? [*insert names provided by government*]

40. Do you or does any relative or close friend of yours know or have any connection with Sean Maher, who is representing Ms. Bandrich in this case?

41. Do you or does any relative or close friend of yours know or have any connection with the defendant, Vanessa Bandrich?

42. Based on what you have been told about this case so far, do you have an opinion as to whether Ms. Bandrich is guilty of these charges? If yes, what is that opinion?

43. Do you or any relative or close friend of yours know or have any connection with any of the individuals who may be witnesses or who may be mentioned at trial? [*insert names provided by government, including those of all co-defendants*]

44. Do you have any bias or prejudice for or against the Government in a criminal case?

45. Do you have any bias or strong feeling for or against the United States Government, the United States Attorney's Office, any federal or state law enforcement agency, or people who work in law enforcement?

46. Please explain your views and opinions of:

- (A) Attorneys in general:
- (B) Attorneys who defend criminal cases:
- (C) Attorneys who prosecute criminal cases.

47. Please tell us:

- (a) The county in which you live;
- (b) the town/area/neighborhood in which you live:
- (c) the number of years there:
- (d) Do you live in a single family home, an apartment, a cooperative, or a condominium?

48. What is your present marital status?

49. Where were you born? (City and state or, if born outside the United States, city and country).

50. Where were your parents born?

51. Do you have children?

- (a) If yes, state the age of each child:
- (b) Are you the primary caretaker of your child(ren)?

52. What is the highest grade that you completed in school?

53. If you continued your education beyond high school, what was your major area of study?

54. Do you work outside the home? If yes, how are you employed? Please describe your job responsibilities generally and whether you supervise others. (If now retired, please describe the work from which you have retired. If presently unemployed, please describe your last employment or your vocation.)

55. If you are married or cohabitating, does your spouse or partner work outside the home? If yes, how is your spouse or partner employed? (If now retired, please describe the work from which your spouse or partner has retired.)

56. Are you a lawyer?

If yes, state the general areas of law (criminal/civil, litigation/corporate, etc.) you have had experience practicing and roughly how long you have practiced in each area.

If no, have you had any legal or paralegal training or ever been employed in any capacity in the legal profession? If yes, please explain.

57. Do you have any relatives or close friends who are lawyers or who have legal training or who have ever been employed in the legal profession? If yes, state the general areas of law (criminal/civil, litigation/corporate, etc.) in which your relatives and/or close friends have had experience practicing and roughly how long each has practiced in each area.

58. Have you or any relative or close friend ever had dealings with the United States Attorney's office?

59. Do any of you know, or have any association --professional, business, or social, direct or indirect -- with any member of the staff of the United States Attorney's Office for the Southern District of New York? The Immigration and Customs Enforcement Agency (ICE)? The FBI? The New York City Police Department? Is any member of your family employed by any law enforcement agency, whether federal, state, or local?

60. Do you, either through any experience or anything you have seen or read, have any bias, prejudice or other feelings for or against the ICE? For or against the United States Attorney's Office? For or against the FBI or the New York City Police Department? For or against any other law enforcement agency?

61. Have you, any member of your family, or any close friend ever been charged with any crime, or been the subject of investigation or accusation by any governmental body?

62. Are you, any member of your family, or any close friend now under subpoena, or about to be, in any criminal case or investigation?

63. Have you, any member of your family, or any close friend ever been questioned in any matter by the United States Department of Justice, the Immigration and Customs Enforcement Agency, the Federal Bureau of Investigation, a District Attorney's Office, the New York State or City Police, or any other investigative or law enforcement agency?

64. Have you, any member of your family, or any close friend ever been a party, appeared as a witness, or otherwise been involved in any trial or court proceeding, or any investigation by a federal or state grand jury or by a congressional or state legislative committee, licensing authority, or governmental agency?

65. Have you or your business, any member of your family, or any close friend ever been a party to or had an interest in the outcome of an investigation, or a legal dispute with the United States, or any agency of the United States, including the IRS?

66. Have you, any member of your family, or any close friend ever been a victim of a crime, or appeared as a witness or a complainant in any criminal case or investigation, under state or federal law?

67. Have you, or has any member of your family or close friend, ever been employed by or received training by any local, state or federal law enforcement agency? Have you ever applied for employment or volunteered your services in a law enforcement agency?

68. Have you or any member of your immediate family ever served in the military (including the National Guard and the military reserves)?



If yes, please describe the nature of any such military service by you or any member of your immediate family, including the dates of service, branch of the military, rank and duties.

69. What civic, social, union, professional, fraternal, political, recreation, or religious organizations have you belonged to or participated in? Please indicate if you've held an office in any of those groups. More generally, what are your hobbies and leisure time activities?

70. Have you travelled to China?

71. Besides any travel, do you have any familiarity with China?

72. Have you ever lived outside the United States?

73. What are your primary sources of local and national news?

74. Do you ever listen to political commentators on TV or "talk radio"?

If yes, what station(s) and show(s) do you listen to?

75. Do you ever visit political websites or blogs? If yes, what sites do you visit?

76. What television programs, if any, do you watch regularly?

77. Have you ever served as a juror? If so, please tell us the nature of the case, whether it was a civil or criminal case, and whether you reached a verdict.

If yes, was there anything about your jury experience that would make it difficult to serve again fairly and impartially?

78. The witnesses in this case will include law enforcement personnel. Would you be inclined to believe a witness either more or less solely by reason of the witness being a federal agent, or police or law enforcement officer?

79. The United States has the burden of proving its case beyond a reasonable doubt. This burden never shifts to the defendant. She is presumed innocent and cannot be convicted unless

the jury, unanimously and based solely on the evidence presented in court, decides that her guilt has been proven beyond a reasonable doubt. Would you have any difficulty following this rule where the allegations against Ms. Bandrich include conspiracy to commit immigration fraud?

80. Under our system of law, the facts are for the jury to determine and the law is for the court. These two areas are separate and distinct. At the end of the case the court will instruct you on the law. You are required to accept the law as the Court explains it to you. It will be your job to determine the facts under the Court's explanation of the law. Would you be willing and able to apply the law as the Court explains it to you?

81. The law provides that only the evidence produced here in court may be considered by you to determine the guilt or innocence of Ms. Bandrich. Would you accept and follow that law?

82. A defendant is not required to call any witnesses, produce any evidence, and/or take the stand. If Ms. Bandrich elects not to take the stand, you may draw no unfavorable inferences of any kind from the fact that he has not done so. That may not enter into your decision in any way. Will you accept and follow that instruction?

If no, please explain.

83. With these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior question, is there any fact, circumstance, opinion, impression, attitude of mind, personal or other experience, or identification or membership with any group or organization that would prevent you, if you are accepted as a juror in the trial of this case, from listening to the evidence with an open mind and deciding every issue fairly and impartially, solely and only upon the evidence as heard from the witnesses and the Court's instructions as to the law?

Dated: New York, New York  
March 3, 2014

Respectfully submitted,

/S/

SEAN M. MAHER

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